



UNITED STATES PATENT AND TRADEMARK OFFICE

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**FEB 04 2005**

**OFFICE OF PETITIONS**

In re Application of  
Clarot, et al.  
Application No. 10/664,839  
Filed: 16 September, 2003  
Attorney Docket No. 33205.1900

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ON PETITION

This is a decision on the renewed petition under ¶(a) of 37 C.F.R. §1.47, filed on 15 November, 2004.

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 16 September, 2003, without, *inter alia*, a fully executed oath or declaration; and
- on 5 December, 2003, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before 5 February, 2004;
- the original petition was dismissed on 14 September, 2004, because it did not appear from the transmittal that the entire application was sent to Mr. Hensley as required by statute and regulation;

- Petitioner Wendy S. Neal (Reg. No. 45,615) now has filed, *inter alia* an oath/declaration signed by named inventor Tim Clarot, but without the signature of Charles Hensley (Mr. Hensley), a petition under 37 C.F.R. §1.47, and narrative by Petitioner and Kelley A. Rasmussen of Matrixx Initiatives, setting forth Mr. Hensley's last known address and evidencing diligence in the effort to present Mr. Hensley with the entire application but nonetheless his failure to sign the oath/declaration for filing.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a).**

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at 703-305-9199.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions